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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/402,581	01/10/00	BECKER	N PTO-1390

FRIEDRICH KUEFFNER  
342 MADISON AVENUE  
SUITE 1921  
NEW YORK NY 10173

MMC1/0426

EXAMINER

ALEMU, E

ART UNIT

PAPER NUMBER

2821

DATE MAILED:

04/26/00

#6

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/402,581

Applicant(s)

BECKER, NORBERT

Examiner

Ephrem Alemu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1-10-00 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 17) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other:

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 1-24-00 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, (A) the "time measuring means" in claims 9, 10, 14, 17; and (B) the "adjusting means for the initialization of the time measurement" in claims 15 and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Specification***

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
3. The disclosure is objected to because of the following informalities: The specification recites "...the features indicated in the characterizing part of claim 1 are suggested" in page 3, line 12-13 is inappropriate description of the claim invention. Applicant advised to make correction that one in the ordinary skill could understand the claimed invention by the teaching

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of the specification. In other word the specification should teach the claimed invention rather than vise versa. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 9-17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 9, recites "...time measuring means for the total operating duration of the gas discharge lamp...." in lines 13-14. Applicant does not disclose a time measuring means for measuring the total operating duration of the gas discharge lamp, however, a sensor (7) for measuring light or radiation output by the irradiation device is disclosed as shown in the Figure and in the specification page 6, lines 19-22.

Claim 14, 15 and 16 are rejected because there is no description of the manually actuated adjusting means as recited in claims 15 and 16.

- Claims 10-13 and 17 are rejected because of their dependency upon a rejected base claim 9.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1, 3 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites an arrangement (use) of an apparatus to carry out the method (i.e. method recited in claim 1), but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

The Examiner suggests that the claim should be written as independent form in order to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in this Office Action.

8. Regarding claims 1, 3 and 9, the phrase "for example" renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. As best understood, claims 1, 2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Suga (4,831,564).

With regard to claim 9, Suga discloses a device for operating an electric gas discharge lamp comprising an electric or electronic controlling means (24) containing a storage (a memory not shown) for characteristic data of the gas discharge lamp (20) and located in the circuit of the gas discharge lamp (20) for adjusting an electric output to be supplied to the gas discharge lamp (20) for the purpose of obtaining a predetermined light output or radiation output of the gas discharge lamp (23) (see **abstract**, lines 1-13; Col. 3, line 22 – Col. 4, line 25; wherein the energy regulator (24) is a control means containing a storage (not shown) for adjusting the electric output to be supplied to the gas discharge lamp based on the stored information (i.e. The relation between the time of use of the discharge lamp and the respective levels of the discharge power) in the memory apparatus).

With regard to claims 1 and 2, given Suga's apparatus as described above in claim 9, the method for the operation of electric gas discharge lamp as claimed in claims 1 and 2 is inherent.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. As best understood claims 4-8, 10-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga (US 4,831,564) in view of Bernitz et al. (US 5,680,015)

With regard to claim 10, Suga discloses a control means as described above in claim9, a ballast device (lighting unit) with adjustable output power (26); and a storage (memory, 1) receiving characteristic data of the gas discharge lamp apart from an electronic processor (24) Fig. 1, Col. 4, lines 10-47) and a time measuring means (timer, 3) for providing at each of a plurality of predetermined times instructions for starting a comparison of the value of the discharge power of the xenon lamp being used with the stored values. Suga, however, does not disclose if the ballast device (lighting unit) is an electronic ballast.

Bernitz discloses an electronic ballast (WR, LC), apart the electronic processor (microprocessor, MC), a storage for receiving characteristic data (i.e. lamp current) of the gas discharge lamp (C6) and providing the electronic processor (microprocessor) the characteristic data of the gas discharge lamp for a stable or constant light output operation (see **abstract**; Fig. 2, Col. 2, line 62- Col. 3, line 49; Col. 11, lines 10-40). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Suga's apparatus with Bernitz's to simply provide Suga's apparatus with an electronic ballast for operating a gas discharge lamp.

With regard to claims 11, 12 and 13, Bernitz teaches that the electronic ballast device (WR, LC) is designed for processing control signals which contain, in the form of a frequency or voltage or current, the information pertaining to the electric output to be supplied to the gas discharge lamp (Col. 3, lines 40-59; Col. 4, lines 56-67).

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With regard to claim 17, Suga's modified by Bernitz's system discloses all the claimed limitation except the controlling means/ time measuring means the time-measuring means associated with the lighting means are connected with an optic and/or acoustic signal device for signaling the given total operating duration achieved by the lighting means. It is well known in the field of lighting to monitor or measure the lamp output (i.e. voltage, current or temperature) of the discharge lamp using an optic device and use these parameters for controlling the operation of the light output.

With regard to claims 4-8, given Suga's modified by Bernitz's apparatus as described above in claims 9 and 10, the method for the operation of electric gas discharge lamp as claimed in claims 4-8 is inherent.

14. As best understood claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga (US 4,831,564) in view of Bernitz et al. (US 5,680,015) as applied above in claims 10, 11 and 13, and further in view of Donohoe (US 5,274,611).

With regard to claims 14, 15 and 16, Suga's modified by Bernitz's device discloses all the claimed subject matter as described above in claims 10, 11 and 13 except a manually adjusting means for the initialization of the time measurement. Donohoe discloses an adjusting means (reset, 19) for resetting (initializing) of the time measurement (timer) when a the gas discharge lamp is replaced (Fig. 1, Col. 3, lines 40-49). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Suga's modified by Bernitz's device with Donohoe's adjusting means simply for resetting (initializing) the timer each time a new lamp is replaced in the device.



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*Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Markham (US 5,401,394) discloses an opto isolator for monitoring the voltage across a bulb. Anderson, II et al. (US 5,495,329) discloses an adaptive lamp control for determining the quality of an illuminating device that is used in an imaging device. Nutzel (US 5,811,940) shows a method for the independent control of individual or a group of fluorescent lamps of a lighting system operated by the a.c. power supply.

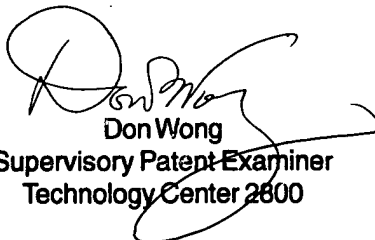
*Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (703) 306-5983. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K Wong can be reached on (703) 308-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

EA  
4-21-00

  
Don Wong  
Supervisory Patent Examiner  
Technology Center 2800